

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS**

**DALLAS DIVISION**

**DOROTHY McCASKILL**

**Plaintiff**

**CIVIL ACTION NO.:**

**SKYLINE POST ACUTE LLC, D/B/A  
FT. WORTH WELLNESS &  
REHABILITATION**

**Defendant**

**PLAINTIFF'S ORIGINAL COMPLAINT**

**COMES NOW Dorothy McCaskill**, Plaintiff herein, and complains of Defendant Skyline Post Acute LLC d/b/a Ft. Worth Wellness & Rehabilitation in this action and for cause of action would respectfully show the following:

**JURISDICTION AND VENUE**

This action alleges violations of Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000-e, et seq., and in violation of the Age Discrimination in Employment Act of 1967, 29 U.S.C. 621. et<sup>i</sup> and Jurisdiction is founded on 42 U.S.C. 2000-e, et seq., 28 U.S.C. § § 1331, 1343 (1)(2)(3)(4). Venue is proper in the Northern District of Texas, Dallas Division, pursuant to 28 U.S.C. § 1391 because the claims arose in this district.

**PARTIES**

1) Plaintiff, Dorothy McCaskill, is an individual residing in Tarrant County, Texas.

At all times relevant hereto, Plaintiff was employed by Defendant, Skyline Post Acute LLC, d/b/a/ Ft. Worth Wellness & Rehabilitation located at 2129 Skyline Dr., Fort Worth, Texas 76114. Plaintiff has been subjected to unlawful employment practices committed in the State of Texas by employees, agents and/or representatives of the Defendant.

- 1) Defendant, Skyline Post Acute LLC, d/b/a/ Ft. Worth Wellness & Rehabilitation is a corporation and employer within the meaning of Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000-e and the Age Discrimination in Employment Act of 1967, 29 U.S.C. 621, et seq., and is doing business in the State of Texas. Defendant may be served with process by delivering the summons to its registered agent, VCorp Services LLC, 1999 Bryan St., Suite 900, Dallas, Texas 75201.

### **PROCEDURAL REQUIREMENTS**

- 3) Plaintiff has timely filed charges of religion, national origin, race and age discrimination with the EEOC, alleging violation of Title VII of the Civil Rights Acts of 1964, as amended, 42 U.S.C.A., 2000-e et seq .and the Age Discrimination in Employment Act of 1967, 29 U.S.C. 621.et seq. **Plaintiff has complied with all administrative requirements for perfecting her Charge.** On February 27, 2019, the EEOC issued Plaintiff a Notice of Right to Sue and Plaintiff filed this complaint within 90 days from receipt of such notice. The EEOC Charge and Right to Sue letter are attached hereto and incorporated herein by reference, as Exhibit A and Exhibit B, respectively.

### **FACTUAL SUMMARY**

- 4) Beginning on or about October 1, 2018 and continuing through December 17, 2018 Plaintiff was repeatedly subjected discrimination based on her race, black and age, 75 years old. On December 17, 2018 Plaintiff's employment with Defendant as Activity Director was terminated based on her race and age. During October 2018 through December 17, 2018, Cory Judge. Plaintiff's manager, Cory Judge and other managers made derogatory comments to and about Plaintiff regarding her age and regarding another older black employee, Amos Matsele, who was 67 years old and also gave preferential treatment regarding terms and conditions of employment to younger white employees. Defendant hired

and replaced Plaintiff with a white worker, approximately 30 years old. Plaintiff was subjected to derogatory and harassing comments and statements regarding when she planned to retire. In addition, Plaintiff was formally disciplined and/or written up for alleged dress code violations, when younger and/or white employees that violated the dress code were not formally disciplined and/or written up.

5) Defendant knew or should have known about Cory Judge's and other managers' discriminatory conduct in giving preferential treatment to white, younger employees and in making derogatory comments regarding Plaintiff and other older, black employees.

6) On December 17, 2018, Plaintiff's employment with Defendant was terminated during based on her age and race.

7) Plaintiff's position was filled with a white male, approximately 37 years old.

### **CAUSES OF ACTION**

8) The Plaintiff herein reaffirms and reaffirms each and every assertion set forth in this Complaint and further claims that:

9) Plaintiff was subjected to race and age discrimination, and his employment was terminated by the Defendant based on her age and race.

10) Within 300 days of the acts of which she complains, Plaintiff filed Charge of Discrimination with the Equal Employment Opportunity Commission (EEOC). Any allegations in this action which pertain to events prior to 300 days before the EEOC Charges

pertain to the allegations of continuing violation.

11) This suit is timely filed in accordance therewith.

12) Defendant is the direct cause of Plaintiff's injuries including, but not limited compensatory and punitive damages, attorney's fees, pre-judgment and post-judgment interest and any other such other and further relief, at law or in equity, as the Court deems necessary and proper.

### **COURT COSTS AND ATTORNEY'S FEES**

13) The Plaintiff herein reaffirms and alleges each and every assertion set forth in the complaint and further claims that:

14) As a result of Defendant's wrongful conduct, Plaintiff was compelled to retain Brenda J. Williams, Attorney to represent her herein the matter. Pursuant to 42 U.S.C Section 1988, and the considerations related to punitive damages, Plaintiff seeks his reasonable and necessary attorney's fees and court costs.

### **JURY DEMAND**

15) Plaintiff demands a trial by jury in each and every issue of fact raised by petition.

### **PRAYER**

16) WHEREFORE, Plaintiff prays for judgment against Defendant for compensatory, punitive and general damages, back pay, front pay, reinstatement and declaratory and injunctive relief, attorneys' fees, costs and interest and such other and further general relief in law or equity to which Plaintiff may be reasonably entitled.

Respectfully submitted,

/s/ Brenda J. Williams

**Brenda J. Williams**

State Bar No. 21515300

Bank of America, Oak Cliff Tower

400 South Zang Blvd., Suite 1200

Dallas, Texas 75208

(214) 946-0865(tel)


(214) 948-3038(fax)

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**ATTORNEY FOR PLAINTIFF**

# EXHIBIT A



<h2 style="margin: 0;">CHARGE OF DISCRIMINATION</h2> <p style="font-size: small; margin: 0;">This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</p>		Charge Presented To: _____ Agency(ies) Charge No(s): <b>846-2019-09322</b>	
<input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC			
<b>Texas Workforce Commission Civil Rights Division</b> and EEOC <i>State or local Agency, if any</i>			
Name (Indicate Mr., Ms., Mrs.) <b>Ms. Dorothy S. Mccaskill-Mitchell</b>		Home Phone (Incl. Area Code) <b>(817) 419-7128</b>	Date of Birth <b>1943</b>
Street Address City, State and ZIP Code <b>6805 Towerwood Rd Dr, Arlington, TX 76001</b>			
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name <b>FORT WORTH WELLNESS AND REHAB</b>		No. Employees, Members <b>101 - 200</b>	Phone No. (Include Area Code)
Street Address City, State and ZIP Code <b>2129 Skyline Dr, Fort Worth, TX 76114</b>			
Name		No. Employees, Members	Phone No. (Include Area Code)
Street Address City, State and ZIP Code			
DISCRIMINATION BASED ON (Check appropriate box(es).) <input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> RETALIATION <input checked="" type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify)		DATE(S) DISCRIMINATION TOOK PLACE Earliest                      Latest <b>12-17-2018                      12-17-2018</b> <input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): <b>I. PERSONAL HARM:</b> <b>A. I have been issued discipline on December 7, 2018 and on December 17, 2018.</b> <b>B. I have been subjected to harassment and unfair treatment in that when I received corrective action memo for dress code violation while other employee was complimented on their attire while being out of dress code.</b> <b>C. I was terminated on December 17, 2018</b> <b>II. RESPONDENT'S REASON FOR ADVERSE ACTION:</b> <b>No reason given</b> <b>III. DISCRIMINATION STATEMENT:</b> <b>I believe that I was discriminated against because of my Race (Black) in violation of Title VII of the Civil Rights Act of 1964, as amended. I believe that I was discriminated against because of my age, 75, in violation of the Age Discrimination in Employment Act of 1967.</b>			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures. I declare under penalty of perjury that the above is true and correct.		NOTARY - When necessary for State and Local Agency Requirements  I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT  SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)	
Feb 26, 2019  Date Charging Party Signature			

# EXHIBIT B



**DISMISSAL AND NOTICE OF RIGHTS**

To: **Dorothy S. McCaskill-Mitchell**  
**6805 Towerwood Rd Dr**  
**Arlington, TX 76001**

From: **Dallas District Office**  
**207 S. Houston St.**  
**3rd Floor**  
**Dallas, TX 75202**



On behalf of person(s) aggrieved whose identity is  
**CONFIDENTIAL (29 CFR §1601.7(a))**

EEOC Charge No.

EEOC Representative

Telephone No.

**846-2019-09322**

**Terance B. Hobbs,**  
**Investigator**

**(214) 253-2758****THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

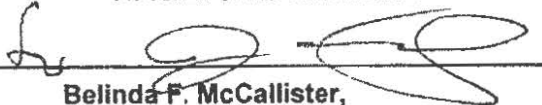
**- NOTICE OF SUIT RIGHTS -**

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission



**Belinda F. McCallister,**  
**District Director**

**2/27/19**

(Date Mailed)

Enclosures(s)

cc:

**Alicia Young**  
**Human Resources Manager**  
**FORT WORTH WELLNESS AND REHAB**  
**2129 Skyline Dr.**  
**Fort Worth, TX 76114**